

THE LAW OFFICES OF
PETER ADELMAN, LLC

January 16, 2020

By ECF

Honorable Steven M. Gold
United States District Court for the
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

**Re: Pavel Pogodin *et ano.* v. Cryptorion, Inc. *et al.*
18-Cv-00791**

Dear Judge Gold:

This firm represents Defendant Zvi Ben-Zvi (“Ben-Zvi”) in the above-captioned action. Further to Rule 2(A) of Your Honor’s Individual Practices, I respectfully write to request a pre-motion conference in anticipation of moving to dismiss with prejudice the crossclaim for indemnification and/or contribution interposed by Defendant Zurab Tsitsuashvili against Ben-Zvi [DE-68]. To the extent that the Court deems Rule 2(A) inapplicable to the contemplated application, I respectfully request that the instant letter be deemed a motion to dismiss pursuant to Fed. R. Civ. P. 12(c).

On December 12, 2019, Your Honor entered the following order:

The Application to be relieved as counsel for Mr. Tsitsuashvili Dkt. 98 will be heard at the in-person conference already scheduled for JANUARY 7, 2020 at 3:00 P.M. The telephone conference previously scheduled for January 3, 2020 is canceled. Mr. Tsitsuashvili must attend in person as well. ***If Mr. Tsitsuashvili fails to attend, counsel’s motion to be relieved will be granted as unopposed, and the Court will recommend that Mr. Tsitsuashvilis default be entered if he does not appear through counsel or indicate that he will proceed pro se by January 14, 2020.*** Counsel for Mr. Tsitsuashvili shall promptly serve Mr. Tsitsuashvili with a copy of this Order and file proof of service with the Court.

(emphasis supplied). Mr. Tsitsuashvili neither appeared at the Court’s January 7, 2020 hearing, nor appeared by counsel or *pro se* by January 14, 2020.

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In light of Mr. Tsitsuashvili's failure to appear, and in anticipation of this Court's recommending that Mr. Tsitsuashvili's default be entered, Ben-Zvi respectfully requests that Mr. Tsitsuashvili's cross-claim be dismissed with prejudice.

I stand ready to amplify on the proposed application, and await the Court's direction.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Peter Adelman", with a long horizontal flourish extending to the right.

Peter Adelman

cc: Counsel (by ECF)

Mr. Zurab Tsitsuashvili

(by e-mail to zurba.ashvil@gmail.com)

(by mail to 104-40 Queens Blvd., Apt. 8B, Forest Hills, NY 11375)